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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231

Inventor: Keeler, John SR

Serial No: 10/691480

Filed: 21 Oct 2003

For: Method For Packaging
Crabmeat

Publ: 2005/0084571

Examiner: Chawla, Jyoti

Art Unit: 1761

SUBMISSION OF PRIOR ART UNDER 35 U.S.C. 301

The corresponding EPO application, published as EP 0 638 487, contains a search report providing prior art that anticipates and/or renders obvious all of the claims of the above-referenced U.S. application. The entity submitting this paper was dismayed to read in the file wrapper of the present case that the applicant has never disclosed to the USPTO the prior art identified during the EPO prosecution.

The most critical references appear to be the following:

~~1) EP 0 638 487 (Feb. 1995), teaches packing crabmeat with air space of about 40 ml that provides about 1-2% oxygen. See examples 3 and 4. submitted in IDS of 4/18/05~~

/J.C./

2) US 3563757 (Feb. 1971) teaches packaging food with 5% air for the express purpose of inhibiting growth of anaerobic bacteria. See col. 2, lines 46-56. Further discloses reduction in oxygen concentration down to only $\frac{1}{2}$ - $\frac{3}{4}$ %. See col. 4, lines 7-15.

/J.C./

3) JP Abstracts, publ 62244340 (Oct. 1987) teaches packaging fish and shellfish with an empty (air) ratio of 25%.

~~4) EP 0 290 625 (Nov. 1988) teaches packaging foodstuffs with 4 mm headspace (air). See example 6.2.1. submitted in IDS of 4/18/05~~

Copies are attached.

By: _____

--- anonymous ---

/Jyoti Chawla/

10/14/2011